

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

C.A. No. 24-64-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

SLAYBACK PHARMA LLC and  
AZURITY PHARMACEUTICALS, INC.,

Defendants.

C.A. No. 24-65-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

BAXTER HEALTHCARE CORPORATION,

Defendant.

C.A. No. 24-66-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

C.A. No. 25-74-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

SLAYBACK PHARMA LLC and  
AZURITY PHARMACEUTICALS, INC.,

Defendants.

C.A. No. 25-75-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC. and  
EAGLE SUB1 LLC,

Plaintiffs,

v.

BAXTER HEALTHCARE CORPORATION,

Defendant.

C.A. No. 25-79-JLH

**JURY TRIAL DEMANDED**

**JOINT ~~PROPOSED~~ ORDER REGARDING  
CASE CONSOLIDATION AND COORDINATION**

WHEREAS, the Court ordered on June 5, 2025 (C.A. No. 25-74, D.I. 19; C.A. No. 25-75, D.I. 19; C.A. No. 25-79, D.I. 21) that Civil Action Nos. 25-74; 25-75; and 25-79 (the “’248 Patent Actions”) be coordinated and consolidated with Civil Action Nos. 24-64; 24-65; and 24-66 (the “Related Actions”).

**A. The Apotex Actions (C.A. Nos. 24-64 & 25-74)**

WHEREAS, Eagle Pharmaceuticals, Inc. (“Eagle”) filed Civil Action No. 24-64 against Apotex Inc. and Apotex Corp. (collectively, “Apotex”), alleging infringement of United States Patent Nos. 11,844,783 (the “’783 patent”) and 11,872,214 (the “’214 patent”) (*see* D.I. 1 in C.A. No. 24-64 as amended at D.I. 22);

WHEREAS, Eagle filed Civil Action No. 25-74 against Apotex, alleging infringement of United States Patent No. 12,138,248 (the “’248 patent”) (*see* D.I. 1 in C.A. No. 25-74);

WHEREAS, Eagle subsequently filed a Second Amended Complaint in Civil Action No. 24-64 and a First Amended Complaint in Civil Action No. 25-74 and joined Eagle Sub1 LLC (“Eagle Sub1” and collectively with Eagle “Plaintiffs”) as a plaintiff in both cases (*see* D.I. 177 in C.A. No. 24-64 and D.I. 12 in C.A. No. 25-74); and

WHEREAS, Civil Action Nos. 24-64 & 25-74 are referred to as the “Apotex Actions”;

**B. The Slayback Actions (C.A. Nos. 24-65 & 25-75)**

WHEREAS, Eagle filed Civil Action No. 24-65 against Slayback Pharma LLC (“Slayback”), alleging infringement of the ’783 patent and the ’214 patent (*see* D.I. 1 in C.A. No. 24-65 as amended at D.I. 17);

WHEREAS, Eagle filed Civil Action No. 25-75 against Slayback, alleging infringement of the ’248 patent (*see* D.I. 1 in C.A. No. 25-75);

WHEREAS, Eagle subsequently filed a First Amended Complaint in Civil Action No. 2575 and joined Azurity Pharmaceuticals, Inc. (“Azurity”) as a defendant in addition to Slayback (*see* D.I. 6 in C.A. No. 25-75);

WHEREAS, Eagle filed a Second Amended Complaint in Civil Action No. 24-65 joining Eagle Sub1 as a plaintiff and joining Azurity as a defendant in addition to Slayback and a Second Amended Complaint in Civil Action No. 25-75 joining Eagle Sub1 as a plaintiff (*see* D.I. 150 in C.A. No. 24-65 and D.I. 22 in C.A. No. 25-75); and

WHEREAS, Civil Action Nos. 24-65 & 25-75 are referred to as the “Slayback Actions”;

**C. The Baxter Actions (C.A. Nos. 24-66 & 25-79)**

WHEREAS, Eagle filed Civil Action No. 24-66 against Baxter Healthcare Corporation (“Baxter”), alleging infringement of the ’783 patent and the ’214 patent (*see* D.I. 1 in C.A. No. 24-66 as amended at D.I. 18);

WHEREAS, Eagle filed Civil Action No. 25-79 against Baxter, alleging infringement of the ’248 patent (*see* D.I. 1 in C.A. No. 25-79);

WHEREAS, Eagle subsequently filed a Second Amended Complaint in Civil Action No. 24-66 and a First Amended Complaint in Civil Action No. 25-79 and joined Eagle Sub1 as a plaintiff in both cases (*see* D.I. 128 in C.A. No. 24-66 and D.I. 13 in C.A. No. 25-79); and

WHEREAS, Civil Action Nos. 24-66 & 25-79 are referred to as the “Baxter Actions”;

WHEREAS, the Court having considered the parties’ submissions and arguments;

\* \* \*

IT IS HEREBY ORDERED this 27th day of June, 2025 as follows:

**A. Consolidation of the Apotex Actions (C.A. Nos. 24-64 & 25-74)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Apotex Actions are consolidated

for all purposes;

2. Civil Action No. 24-64-JLH shall be the lead case, and all future filings in the Apotex Actions shall be made only in Civil Action No. 24-64-JLH (the “Consolidated Apotex Action”), and all future filings shall contain only the caption for the Consolidated Apotex Action.

**B. Consolidation of the Slayback Actions (C.A. Nos. 24-65 & 25-75)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Slayback Actions are consolidated for all purposes;
2. Civil Action No. 24-65-JLH shall be the lead case, and all future filings in the Slayback Actions shall be made only in Civil Action No. 24-65-JLH (the “Consolidated Slayback Action”), and all future filings shall contain only the caption for the Consolidated Slayback Action.

**C. Consolidation of the Baxter Actions (C.A. Nos. 24-66 & 25-79)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Baxter Actions are consolidated for all purposes;
2. Civil Action No. 24-66-JLH shall be the lead case, and all future filings in the Baxter Actions shall be made only in Civil Action No. 24-66-JLH (the “Consolidated Baxter Action”), and all future filings shall contain only the caption for the Consolidated Baxter Action.

**D. Coordination of the Consolidated Actions**

1. Although the Consolidated Apotex Action, Consolidated Slayback Action, and Consolidated Baxter Action will not themselves be consolidated, because these cases

share a common nucleus of facts, the Actions shall be coordinated for discovery and dispositive motions.

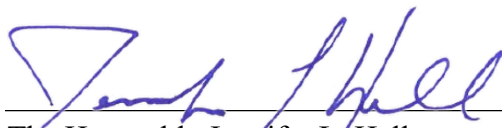
2. All claim construction rulings issued by the Court from the previous claim construction hearing held on January 30, 2025 in the Related Actions shall apply equally in the '248 Patent Actions and no new terms need to be construed in the '248 Patent Actions.
3. The protective order entered in the Related Actions shall apply equally to the '248 Patent Actions.
4. The scheduling order entered in the Related Actions and all deadlines and discovery limits set forth therein shall apply equally to the '248 Patent Actions. In order to facilitate the consolidation and coordination of these cases consistent with this Court's June 5, 2025 Order, the following amendments will apply to the coordinated case schedule, which shall apply in the Consolidated Apotex Action, Consolidated Slayback Action, and Consolidated Baxter Action:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs to Produce Initial Infringement Claim Chart for the '248 Patent	--	Within 5 days of the date the Court enters this Order
Defendants to Produce Initial Invalidity Contentions and Invalidating References for the '248 Patent	--	Within 30 days of the date that Plaintiffs serve their Initial Infringement Claim Chart for the '248 Patent
Defendants' Final Identification of Invalidity References	Friday, June 13, 2025	Friday, October 3, 2025
Plaintiff's Final Identification of Accused Products	Friday, June 13, 2025	Friday, October 3, 2025
Deadline to Join Parties, Amend/Supplement Pleadings	Monday, June 16, 2025	Friday, October 3, 2025
Plaintiff's Produce Final Infringement Contentions	Wednesday, June 18, 2025	Friday, October 10, 2025
Defendants' Produce Final Invalidity Contentions	Wednesday, July 2, 2025	Friday, October 24, 2025
Defendants Supplement Responses to Plaintiff's Final Infringement Contentions	Friday, July 11, 2025	Friday, October 31, 2025
Plaintiff Supplement Responses to Defendants' Final Invalidity Contentions	Wednesday, July 23, 2025	Friday, November 14, 2025
Close of Fact Discovery	Friday, August 1, 2025	Friday, December 5, 2025
Opening Expert Reports	Friday, September 5, 2025	Friday, January 23, 2026
Rebuttal Expert Reports	Friday, October 10, 2025	Friday, February 27, 2026
Reply Expert Reports	Friday, November 7, 2025	Friday, March 27, 2026
Close of Expert Discovery	Friday, December 12, 2025	Friday, May 1, 2026
Dispositive Motions and <i>Daubert</i> Motions	Friday, January 23, 2026	Friday, June 5, 2026
Answering Dispositive Motions and <i>Daubert</i> Motions	Friday, February 20, 2026	Wednesday, July 1, 2026
Reply Dispositive Motions and <i>Daubert</i> Motions	Friday, March 6, 2026	Monday, July 20, 2026
Hearing on Dispositive Motions and <i>Daubert</i> Motions	May 27, 2026 at 10 a.m.	September 11, 2026 at 10:00 a.m.

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Parties to File Joint Proposed Final Pretrial Order	7 days before Pretrial Conference	No change
Parties to File Proposed Jury Instructions, Voir Dire, Verdict Forms	7 days before Pretrial Conference	No change
Final Pretrial Conference in <i>Eagle Pharmaceuticals Inc. v. Apotex, Inc.</i> , No. 24-64-JLH	July 13, 2026 at 3:00 p.m.	December 7, 2026 at 3:00 p.m.
Trial Begins in <i>Eagle Pharmaceuticals Inc. v. Apotex, Inc.</i> , No. 24-64-JLH	July 20, 2026	December 14, 2026
Final Pretrial Conference in <i>Eagle Pharmaceuticals, Inc. v. Slayback Pharma LLC</i> , No. 24-65-JLH	September 22, 2026 at 3:00 p.m.	May 10, 2027 at 3:00 p.m.
Trial Begins in <i>Eagle Pharmaceuticals, Inc. v. Slayback Pharma LLC</i> , No. 24-65-JLH	September 28, 2026	May 17, 2027
Final Pretrial Conference in <i>Eagle Pharmaceuticals Inc. v. Baxter Healthcare Corp.</i> , No. 24-66-JLH	December 7, 2026 at 3:00 p.m.	September 6, 2027 at 3:00 p.m.
Trial Begins in <i>Eagle Pharmaceuticals Inc. v. Baxter Healthcare Corp.</i> , No. 24-66-JLH	December 14, 2026	September 13, 2027
Joint Form of Order to Enter Judgment on the Verdict	7 days after verdict	No change
Joint Status Report re Post-Trial Motions	7 days after verdict	No change

June 27, 2025

DATE



The Honorable Jennifer L. Hall  
UNITED STATES DISTRICT JUDGE

Dated: June 25, 2025

**MCCARTER & ENGLISH, LLP**

/s/ Daniel M. Silver

Daniel M. Silver (#4758)  
Alexandra M. Joyce (#6423)  
Maliheh Zare (#7133)  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, Delaware 19801  
(302) 984-6300  
dsilver@mccarter.com  
ajoyce@mccarter.com  
mzare@mccarter.com

*Attorneys for Plaintiffs*

**MORRIS JAMES LLP**

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)  
Cortlan S. Hitch (#6720)  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801  
(302) 888-6800  
kdorsney@morrisjames.com  
chitch@morrisjames.com

*Attorneys for Defendants Apotex  
Inc. and Apotex Corp.*

**POTTER ANDERSON &  
CORROON LLP**

/s/ Philip A. Rovner

Philip A. Rovner (#3215)  
Andrew M. Moshos (#6685)  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
provner@potteranderson.com  
amoshos@potteranderson.com

*Attorneys for Defendant Baxter  
Healthcare Corporation*

**SMITH KATZENSTEIN &  
JENKINS LLP**

/s/ Daniel A. Taylor

Neal C. Belgam (No. 2721)  
Daniel A. Taylor (No. 6934)  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
(302) 652-8400  
nbelgam@skjlaw.com  
dtaylor@skjlaw.com

*Attorneys for Defendants Slayback  
Pharma LLC and Azurity  
Pharmaceuticals, Inc.*